1 March 2018

Subject: Australian Response to Request for Information

Questionnaire re: General Assembly resolution 68/269

The Australian Government released its Foreign Policy White Paper in November 2017. In it, the Government committed to a strong multilateral human rights system, including promoting efforts to strengthen the system and the Human Rights Council.

Australia is party to the seven core human rights treaties: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; and the Convention on the Rights of Persons with Disabilities.

Australia ratified the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) on 21 December 2017.

*Australia’s engagement in treaty body reporting*

The Australian Government is a strong supporter of the independent United Nations human rights monitoring system. Australia takes its obligations seriously and appreciates the opportunity to reflect on achievements and challenges in the implementation of its international human rights obligations. Australia dedicates significant resources to this work and will continue to support the system and engage constructively with human rights treaty bodies.

In 2016, Australia submitted three written reports:

* A periodic report to the Committee on Economic, Social and Cultural Rights,
* A periodic report to the Human Rights Committee;
* A periodic report to the Committee on the Elimination of Racial Discrimination.

Australia appeared before these three committees in 2017. During 2017, Australia also submitted a written response to a list of issues provided by the Committee on Economic, Social and Cultural Rights.

In 2018, Australia submitted its report to the Committee on the Rights of Child, will appear before the Committee on the Elimination of Discrimination Against Women, and will submit reports to the Committee against Torture and the Committee on the Rights of Persons with Disabilities. There is currently no backlog of reports due.

*Individual communications*

In the interests of strengthening the United Nations, the Australian Government considers that it is important to approach treaty body reform from a holistic and harmonised perspective, focussed on improving the range of Committees’ work.

There are a number of practices that Australia suggests could be considered to address the current backlog and improve the use of Committee time and resources while maintaining the integrity of the system as a whole.  For example:

* Improving Committee efficiency by considering the admissibility of the communication before merits arguments are required and considered.   This would narrow the scope of many communications and reduce time and resources spent on unnecessarily responding to, translating and reviewing the merits of arguments that are ultimately found inadmissible by a Committee.
* Establishing clear timeframes/schedules for the Committees’ consideration of communications.
* Limiting the number of times an author (and States) can lodge additional submissions with the Committee before the matter will be considered.
* Reviewing whether the current templates for the lodgement of communications and page limits for submissions are appropriate to ensuring the targeted provision of information to the Committees.

|  |
| --- |
| **Questionnaire**   1. **Comments by States on the implementation of the General Assembly resolution 68/268 in general** 2. **Information on any action taken to follow-up on and/or implement provisions of the General Assembly resolution 68/268, which are specifically addressed to States** |

In respect of the Office of the High Commissioner for Human Rights’ specific request, Australia offers the following.

*Paragraph 2 of the General Assembly Resolution: Adoption of the simplified reporting procedure*

The Australian Government has adopted the simplified reporting procedure to facilitate preparation of reports under the ICCPR, CAT and CRPD. Australia has not received an invitation to adopt the simplified reporting procedure under the CRC as that procedure is only available to States whose periodic reports are due from 1 September 2019 onwards.

Australia considers that the List of Issues Prior to Reporting (LOIPR) process is a positive move towards streamlining and focusing the reporting process.

*Paragraph 3 of the General Assembly Resolution: Common Core Document*

Australia has lodged a Common Core Document with the United Nations to accompany reports Australia submits under the seven core human rights treaties.

*Paragraph 8 of the General Assembly Resolution: Reprisals*

Australia is a traditional co-sponsor and strong defender of the resolution on  Cooperation with the United Nations, its representatives and mechanisms in the field of human rights (reprisals). Australia condemns all acts of intimidation or reprisals against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights. At HRC35, Australia joined the Dutch-led joint statement committing to, inter alia, ‘engage robustly to prevent and address acts of intimidation and reprisals, speaking up to address such incidents when they occur’.

The Australian Government values the important role civil society plays in ensuring transparency and accountability in human rights treaty body reporting. Australia actively seeks to engage civil society and NGOs during the preparation of all human rights treaty reports. Additionally, in 2017 the Australian Government provided funding to civil society organisations to undertake consultations and shadow reporting for Australia’s appearance before the Human Rights Committee, Australia’s appearance before the Committee on the Elimination of All Forms of Racial Discrimination and Australia’s report to the Committee on the Rights of the Child.

*Paragraph 10 of the General Assembly Resolution: nomination of experts to treaty bodies*

Australia seeks to nominate qualified and recognised experts to human rights treaty bodies as appropriate. The Australian Government will consider enhanced processes to identify and nominate suitable candidates for treaty bodies in 2018. For example, Australia supports the nomination of Ms Rosemary Kayess, an accomplished human rights lawyer, researcher and academic, as candidate to the Committee on the Rights of Persons with Disabilities for the term 2019-2022.

*Paragraph 13 of the General Assembly Resolution: election of experts to treaty bodies*

Australia considers the qualifications, experience and expertise of candidates in the election of treaty body experts, and gives careful consideration to matters such as geographical distribution, gender balance and the participation of persons with a disability in the membership of human rights treaty bodies.

*Paragraph 20 of the General Assembly Resolution: technical assistance re coordination of reporting*

In November 2015, Australian officials (who were in Geneva in connection with Australia’s second Universal Periodic Review) engaged the OHCHR in relation to the establishment of a Standing National Mechanism on Human Rights in Australia. During the 2015 Universal Periodic Review, Australia pledged that it would designate a standing national mechanism to strengthen its overall engagement with United Nations human rights reporting, including coordination at a national level. In September 2016 Australian officials met with Dr Chitra Massey, Regional Representative for the High Commissioner for Human Rights, to further discuss Australia’s Standing National Mechanism.

Australia’s Standing National Mechanism on Human Rights was established in 2016 and comprises four parts:

1. An Australian Government Inter-departmental committee (IDC) involving departments responsible for leading UN human rights reporting and domestic human rights policies and programs. The IDC provides a coordinated, consistent and efficient approach to UN human rights reporting and other processes across government agencies.
2. The Commonwealth‐State‐Territory Standing Committee on Treaties (SCOT), which is an established network for consultation between Commonwealth, State and Territory governments on treaty matters, including on UN human rights treaty reporting and the UPR.
3. A process for consultation with the Australian Human Rights Commission (AHRC), as Australia’s National Human Rights institution, as well as civil society; and,
4. Publicly available information on Australia’s processes. For example, the Attorney-General’s Department website hosts information for the public on Australia’s UN human rights reporting processes, including information about the Standing National Mechanism and the UPR monitoring page(<https://www.ag.gov.au/RightsAndProtections/HumanRights/United-Nations-Human-Rights-Reporting/upr-recommendations/Pages/default.aspx>)

Australia will continue to consider and review the operation of the Standing National Mechanism and make changes where required to ensure that it is effective and fulfils its purpose.